

**SUPREME COURT MINUTES
THURSDAY, JUNE 12, 2008
SAN FRANCISCO, CALIFORNIA**

S150806 G036911 Fourth Appellate District, Div. 3 **ALCALA (RODNEY JAMES)
v. S.C. (PEOPLE)**

Opinion filed: Judgment reversed

A single trial on all five murder charges may proceed in Orange County.

Majority opinion by: George, C. J.

-----joined by: Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S160207 **LAGRASS (CHRIS JOHN)
ON H.C.**

Petition ordered withdrawn (criminal case)

Pursuant to written request of petitioner the above-entitled petition for writ of habeas corpus is ordered withdrawn.

S143689 F042896 Fifth Appellate District **EBBETTS PASS FOREST
WATCH v. DEPARTMENT
OF
FORESTRY & FIRE
PROTECTION (SIERRA
PACIFIC INDUSTRIES)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to August 20, 2008, or the date upon which rehearing is either granted or denied, whichever occurs first.

S162151 H031647 Sixth Appellate District **PEOPLE v. WHALEY
(GEORGE)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 11, 2008.

S162603 A116718 First Appellate District, Div. 4 **PEOPLE v. OGANS (CRAIG ALLEN)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 11, 2008.

S162639 B175953 Second Appellate District, Div. 6 **HOLDGRAFER (GARRY N.) v. UNOCAL CORP.**

The time for granting or denying review in the above-entitled matter is hereby extended to July 14, 2008.

S162646 B198822 Second Appellate District, Div. 6 **PEOPLE v. DELACERDA (BENJAMIN)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 14, 2008.

S162647 H030272 Sixth Appellate District **SAN JOSE, CITY OF v. OPERATING ENGINEERS LOCAL UNION NO. 3**

The time for granting or denying review in the above-entitled matter is hereby extended to July 14, 2008.

S162650 A120771 First Appellate District, Div. 4 **CARSON (EDDIE DEAN) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 14, 2008.

S162655 G036774/G037091 Fourth Appellate District, Div. 3 **GOODMAN (RANDALL L.) v. LOZANO (JESUS)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 14, 2008.

S162664 C050898 Third Appellate District **PEOPLE v. CUMMINGS (JOHN MICHAEL)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 17, 2008.

S162667 B206592 Second Appellate District, Div. 7 **WILLIAMS (ERIC) v. S.C. (PEOPLE)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 15, 2008.

S162674 C053259 Third Appellate District **PEOPLE v. HOLMES (WILLIAM ZEKE)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 16, 2008.

S162675 F051812 Fifth Appellate District **PEOPLE v. STONE (NICHOLAS SCOTT)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 16, 2008.

S162755 E040946/E041120 Fourth Appellate District, Div. 2 **BRUNI (GABRIEL) v. DIDION, SR., (JAMES)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 16, 2008.

S162778 G037919 Fourth Appellate District, Div. 3 **PEOPLE v. PEREZ-TINOCO (JAIME CESAR)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 17, 2008.

S162800 B190455 Second Appellate District, Div. 3 **PEOPLE v. NGUYEN (DAT THANH)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 17, 2008.

S162816 C053534 Third Appellate District **PEOPLE v. GAY (ROBERT)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 17, 2008.

S162832 B206846 Second Appellate District, Div. 2 **GOLD (JENNIFER) v. S.C. (BREN)**

The time for granting or denying review in the above-entitled matter is hereby extended to July 17, 2008.

S163948 D048759 Fourth Appellate District, Div. 1 **ARX (DOUGLAS VON) v. CHARLES MACHINE WORKS, INC.**

Time extended to grant or deny review

The time for granting review on the court's own motion is hereby extended to August 20, 2008. (Cal. Rules of Court, rule 8.512(c)(1).)

S033901 **PEOPLE v. THOMPSON (CATHERINE)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Gail R. Weinheimer's representation that she anticipates filing the appellant's reply brief by April 2009, counsel's request for an extension of time in which to file that brief is granted to August 5, 2008. After that date, only four further extensions totaling about 240 additional days are contemplated.

S034800 **PEOPLE v. DEHOYOS (RICHARD LUCIO)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Gary D. Garcia's representation that he anticipates filing the appellant's opening brief by October 13, 2008, counsel's request for an extension of time in which to file that brief is granted to August 12, 2008. After that date, only one further extension totaling about 60 additional days will be granted.

S048440 **PEOPLE v. LIGHTSEY (CHRISTOPHER CHARLES)**

Extension of time granted

Good cause appearing, and based upon counsel Erik N. Larson's representation that he anticipates filing the appellant's reply brief by December 31, 2008, counsel's request for an extension of time in which to file that brief is granted to August 5, 2008. After that date, only three further extensions totaling about 145 additional days are contemplated.

S053228**PEOPLE v. ALEXANDER
(ANDRE S.)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Kent Barkhurst's representation that he anticipates filing the appellant's supplemental reply brief by August 8, 2008, counsel's request for an extension of time in which to file that brief is granted to August 8, 2008. After that date, no further extension will be granted.

S067394**PEOPLE v. CAPISTRANO
(JOHN LEO)**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Kathleen M. Scheidel's representation that he anticipates filing the appellant's reply brief by October 2008, counsel's request for an extension of time in which to file that brief is granted to August 12, 2008. After that date, only one further extension totaling about 60 additional days is contemplated.

**S073205
(JACK****PEOPLE v. WILLIAMS
EMMIT)**

Extension of time granted

Good cause appearing, and based upon counsel R. Clayton Seaman, Jr.'s representation that he anticipates filing the reply brief by January 15, 2009, counsel's request for an extension of time in which to file that brief is granted to August 12, 2008. After that date, only three further extensions totaling about 150 additional days are contemplated.

S075727**PEOPLE v. JOHNSON
(CEDRIC JEROME)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Joseph E. Chabot's representation that he anticipates filing the appellant's opening brief by August 12, 2008, counsel's request for an extension of time in which to file that brief is granted to August 12, 2008. After that date, no further extension is contemplated.

S077009**PEOPLE v. CARRASCO
(ROBERT)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Roberta L. Davis's representation that she anticipates filing the respondent's brief by July 15, 2008, counsel's request for an extension of time in which to file that brief is granted to July 15, 2008. After that date, no further extension is contemplated.

S078027**PEOPLE v. STREETER
(HOWARD LARCELL)**

Extension of time granted

Good cause appearing, and based upon Assistant State Public Defender Andrew S. Love's representation that he anticipates filing the appellant's opening brief by June 30, 2008, counsel's request for an extension of time in which to file that brief is granted to June 30, 2008. After that date, no further extension will be granted.

S080550**PEOPLE v. LEE (PHILIAN
EUGENE)**

Extension of time granted

Good cause appearing, and based upon counsel Conrad Petermann's representation that he anticipates filing the appellant's reply brief by August 2008, counsel's request for an extension of time in which to file that brief is granted to August 11, 2008. After that date, no further extension is contemplated.

S086234**PEOPLE v. MILES (JOHNNY
DUANE)**

Extension of time granted

Good cause appearing, and based upon counsel Peter Giannini's representation that he anticipates filing the appellant's opening brief by February 15, 2009, counsel's request for an extension of time in which to file that brief is granted to August 4, 2008. After that date, only three further extensions totaling about 190 additional days are contemplated.

S086355**PEOPLE v. LEWIS (KEITH
ALLEN)**

Extension of time granted

Good cause appearing, and based upon counsel Pamala Sayasane's representation that she anticipates filing the appellant's opening brief by Fall 2008, counsel's request for an extension of time in which to file that brief is granted to August 11, 2008. After that date, only one further extension totaling about 60 additional days is contemplated.

S086578**PEOPLE v. MILLSAP
(BRUCE) & LOOT
(KENDRICK)**

Extension of time granted

On application of appellant Kendrick Loot and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 15, 2008.

S089311**PEOPLE v. HENRIQUEZ
(CHRISTOPHER)**

Extension of time granted

Due to clerical error, the order filed in the above matter on June 9, 2008, is amended to read as follows:

Good cause appearing, and based upon counsel Lynne S. Coffin's representation that she anticipates filing the appellant's opening brief by early September 2008, counsel's request for an extension of time in which to file that brief is granted to August 4, 2008. After that date, only one further extension totaling about 30 additional days is contemplated.

S095223**PEOPLE v. BLOOM ROBERT
MAURICE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender William T. Lowe's representation that he anticipates filing the appellant's opening brief by March 2009, counsel's request for an extension of time in which to file that brief is granted to August 12, 2008. After that date, only four further extensions totaling about 210 additional days will be granted.

S097363**PEOPLE v. MERRIMAN
(JUSTIN JAMES)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 11, 2008.

S098318**PEOPLE v. HENDERSON
(PAUL NATHAN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to July 29, 2008.

S103358**PEOPLE v. BARRERA
(MARCO ESQUIVEL)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Daniel Gunther's representation that he anticipates filing the appellant's opening brief by June 2009, counsel's request for an extension of time in which to file that brief is granted to August 8, 2008. After that date, only five further extensions totaling about 300 additional days are contemplated.

S106489**PEOPLE v. WEATHERTON
(FRED LEWIS)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to August 8, 2008.

S116882**PEOPLE v. BURGNER
(MICHAEL RAY)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Harry Gruber's representation that he anticipates filing the appellant's reply brief by October 3, 2008, counsel's request for an extension of time in which to file that brief is granted to August 12, 2008. After that date, only one further extension totaling about 52 additional days is contemplated.

S134332**GUERRA (JOSE
FRANCISCO) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Jeannie R. Sternberg's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 15, 2008, counsel's request for an extension of time in which to file that document is granted to August 5, 2008. After that date, only one further extension totaling about 71 additional days is contemplated.

S151222**LETNER, JR., (RICHARD
LACY) ON H.C.**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Harry Joseph Colombo's representation that he anticipates filing the informal response to the petition for writ of habeas corpus by December 2008, counsel's request for an extension of time in which to file that document is granted to August 12, 2008. After that date, only two further extensions totaling about 120 additional days are contemplated.

S157565

E041226 Fourth Appellate District, Div. 2

**PEOPLE v. MCNEAL
(TIMMIE LANCE)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to August 11, 2008.

S157645

C053878 Third Appellate District

**PEOPLE v. RANDALL
(ROBERT BERT)**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the answer brief on the merits is extended to July 11, 2008.

S157793

H030647 Sixth Appellate District

**GUZMAN (JAVIER R.) v.
COUNTY OF MONTEREY**

Extension of time granted

On application of amicus curiae California Health and Human Services Agency and the California Department of Public Health and good cause appearing, it is ordered that the time to serve and file its amicus curiae brief in support of respondent, County of Monterey, is hereby extended to June 25, 2008.

S157793 H030647 Sixth Appellate District**GUZMAN (JAVIER R.) v.
COUNTY OF MONTEREY**

Extension of time granted

On application of amici curiae California State Association of Counties and League of California Cities and good cause appearing, it is ordered that the time to serve and file its amici curiae brief in support of respondent, County of Monterey, is hereby extended to June 25, 2008.

S162313 B192375 Second Appellate District, Div. 8**CHAVEZ (ROBERT) v. CITY
OF LOS ANGELES**

Extension of time granted

On application of respondents and good cause appearing, it is ordered that the time to serve and file Respondents' Opening Brief on the Merits is extended to July 14, 2008.

S145330**962 SUSPENSION**

Order filed

Due to clerical error in regards to this member's record, and good cause appearing, it is ordered that the order of suspension for non-compliance of Family Code 17520 filed on May 2, 2008, effective May 28, 2008, regarding JOHN ALAN GOALWIN, #70974, is hereby stricken.

S155589 C052177 Third Appellate District**MORONGO BAND OF
MISSION INDIANS v. STATE
WATER RESOURCES
CONTROL BOARD**

Order filed

The application of Goodrich Corporation et al., for permission to file an amicus curiae brief and motion for judicial notice in support of respondent is hereby denied.

S162549 B206319 Second Appellate District, Div. 6**AVILA (DANIEL) v. S.C.
(PEOPLE)**

Order filed

The order filed on June 11, 2008, denying the petition for review is amended to read, in its entirety:

"The request for judicial notice is granted. The petition for review is denied."

S162755 E040946/E041120 Fourth Appellate District, Div. 2 **BRUNI (GABRIEL) v. DIDION, SR., (JAMES)**

Order filed

The order of this court filed June 9, 2008, denying permission to file a late response to the request for republication is hereby amended to reflect the correct Court of Appeal case numbers.

S163492 A119981 First Appellate District, Div. 1 **WHITAKER (FRED A.) v. S.C. (CITY OF OAKLAND)**

Order filed

The order of this court filed June 6, 2008, denying petitioner's application for leave to file petition for writ of mandate is amended to reflect the title above.

S162721 **WINROW ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that WAYNE WINROW, State Bar No. 153632, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162722 **MILLAR ON DISCIPLINE**

Recommended discipline imposed

It is ordered that JOHN WILLIAM MILLAR, State Bar No. 156804, be suspended from the practice of law for two years and until he has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice, and learning and ability in the general law pursuant to standard 1.4 (c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct; that execution of the suspension be stayed; and that he be placed on probation for two years on condition that he be actually suspended for one year. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on February 15, 2008. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn.8.) Respondent is further ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in

accordance with Business & Professions Code section 6086.10, and one-half of said costs be paid with membership fees for the years 2009 and 2010. It is further ordered that if JOHN MILLAR fails to pay any installment of disciplinary costs within the time provided herein or as may be modified by the State Bar Court pursuant to section 6086.10, subdivision (c), the remaining balance of the costs is due and payable immediately unless relief has been granted under the Rules of Procedure of the State Bar of California (Rules Proc. of State Bar, rule 286). The payment of costs is enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162724**HENDREN ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that ED W. HENDREN, State Bar No. 71171, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* It is further recommended that respondent make restitution to the following within 30 days following the effective date of this order or within 30 days following the client Security Fund payment, whichever is later (Rules Proc. Of State Bar, rule 291):

- (1) to Tracie Baker in the amount of \$3,600 plus 10 percent interest per annum from September 10, 2002;
- (2) to Salvador Gomez in the amount of \$11,800 plus 10 percent interest per annum from January 9, 2003;
- (3) to June Hendryx in the amount of \$1,500 plus 10 percent interest per annum from September 13, 2003;
- (4) to Kathleen Furtado in the amount of \$1,034 plus 10 percent interest per annum from October 8, 2004;
- (5) to John and Charlene Jackson in the amount of \$1,000 plus 10 percent interest per annum from August 13, 2006, (or to the Client Security Fund to the extent of any payment from the fund to Tracie Baker, Salvador Gomez, June Hendryx, Kathleen Furtado or John and Charlene Jackson plus interest and costs, in accordance with Business and Professions Code section 6140.5). Any restitution to the Client Security Fund is enforceable as provided in Business and Professions Code section 6140.5, subdivisions (c) and (d). Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162725**CHRISTENSON ON
DISCIPLINE**

Recommended discipline imposed

It is ordered that G. SCOTT CHRISTENSON, State Bar No. 135434, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for 120 days and until he makes restitution to

(1) Alejandro and Trinidad Vera in the amount of \$10,000 plus 10 percent interest per annum from August 1, 2002, and to

(2) Jesse Noble in the amount of \$1,500 plus 10 percent interest per annum from May 15, 2004, (or to the Client Security Fund to the extent of any payment from the fund to Alejandro and Trinidad Vera and Jesse Noble, plus interest and costs, in accordance with Business and Professions Code section 6140.5), and furnishes satisfactory proof thereof to the State Bar's Office of Probation.

G. SCOTT CHRISTENSON is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its Decision filed on March 11, 2008. If G. SCOTT CHRISTENSON is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. G. SCOTT CHRISTENSON is also ordered to comply with rule 9.20 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S162726**BRAR ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that HARPREET S. BRAR, State Bar No. 206460, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. HARPREET S. BRAR is also ordered to comply with rule 9.20 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S164208**SUSPENSION -
NONPAYMENT**

Suspension for non-payment of dues ordered

The Board of Governors of the State Bar of California having filed, on the 9th day of June 2008, in this court, its resolution recommending suspension from the practice of law and membership in the State Bar of California, the attached list of members who failed to pay fees and/or penalties and/or costs as prescribed and required by law, and after due notice was sent to each member and demand for payment was made by the State Bar of California, and it being provided by Business and Professions Code section 6143 that any member so failing to pay must be suspended from membership; IT IS ORDERED that each person hereinafter named is suspended from membership in the State Bar of California and from the rights and privileges of an attorney to practice law as of July 1, 2008, and until payment of all current and accrued fees and/or penalties and/or costs is made. IT IS FURTHER ORDERED that upon payment in *certified funds* of all current and accrued fees and/or penalties and/or costs, the suspension for nonpayment shall terminate and such person may be fully restored to membership in the State Bar of California and to all rights and privileges, duties and responsibilities incident thereto; and IT IS FURTHER ORDERED that until restored to full membership, each of the persons named in the suspension list shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding oneself out to the public as an attorney or counselor at law.

(SEE ORIGINAL SUSPENSION LIST FOR THE LIST OF NAMES ATTACHED.)

D052555

Fourth Appellate District, Div. 1

**COMERCHERO (VICTOR) v.
SUN TEN LABORATORIES,
INC./GOTTSCHALK
(RONALD M.)**

The above-entitled matter, now pending in the Court of Appeal, Fourth Appellate District, Division One, is transferred to the Court of Appeal, Second Appellate District.